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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,994	10/02/2003	Yuichi Kanai	65933-047	7798

7590 10/03/2005

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EXAMINER

ELMORE, STEPHEN C

ART UNIT PAPER NUMBER

2186

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,994

Applicant(s)

KANAI ET AL.

Examiner

Stephen Elmore

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

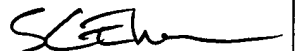
- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 3/2/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


STEPHEN C. ELMORE
PRIMARY EXAMINER

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DETAILED ACTION

1. This Office action responds to the application filed October 2, 2003.
2. Claims 1-20 are presented for examination.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR § 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- a. it does not contain signatures for all inventors.

Drawings

4. The drawings are objected to because:
 - a. in Figure 1, the destinations/sources of input/output lines attached to elements 125 and 126 are not identified.

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR § 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

a. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. See MPEP § 606.01. The claims appear to be directed towards an invention which uses a "unit management table" but this feature does not appear in the title;

b. The abstract of the disclosure is objected to because it contains non-idiomatic English, such as, "unit by unit" and "constituted by";

Correction is required. See MPEP § 608.01(b).

c. The specification is objected to because it contains multiple instances of non-idiomatic English, such as, "unit by unit" and "constituted by";

d. The specification contains equations which have been written on a single line, but the equations are unclear in scope because they do not appear to have been written with adequate use of parenthesis to show the order of processing of the elements of the equation;

e. The specification contains acronyms which have not been defined upon their first use, e.g., RT, NRT, etc., therefore, under this circumstance the present usage of the acronyms makes the specification indefinite;

f. Specification, page 31, "UDF specification 2.2.6.4." and "UDF specification 2.2.6" are unknown documents because they do not appear to be valid references to real documents; these specific documents were not provided on a PTO-1449 and they could not be found by searching these terminologies;

Examiner's Note/Request: Applicant is requested to provide a written copy of each of these documents (para. 5.f.) which Applicant cites as relevant to the disclosure of the present invention. This is a request for information under 37 CFR § 1.105.

6. A substitute specification in proper idiomatic English and in compliance with 37 CFR § 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

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Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following claims are indefinite because these claims contain non-idiomatic English,

- a. Claim 1 --- *"in units of unit," "constituted by";*
- b. Claims 9 and 11-13 --- *"continuous logical address";*
- c. Claims 9-13 --- *"in units of block," "constituted by";*
- c. Claims 14-18 --- *"the unit is grasped";*
- d. Claim 19 --- *"in units of unit";*
- e. Claim 20 --- *"constituted by";*

The following claims are indefinite because these claims contain illogic statements or indefinite language,

- f. Claims 1 and 19 --- the limitations *"capable of (an activity)"* is inherently indefinite because the claim does not say whether or not the activity is performed;
- g. Claims 1, 19 and 20 --- the limitation *"whose logical address is contiguous"* is illogical because "logical address" is singular and because "contiguous" has no meaning when applied to a single address, it only has meaning when being applied to multiple addresses;
- h. Claim 20 --- the language *"writing or deleting data to and from"* is non-sensical because when expanded translates into the possible permutations of meaning:
 - 1) *"writing data to and from"* which is non-problematic; and also,
 - 2) *"deleting data to and from (a recording medium)";*however, the language,
"deleting data to and from (a recording medium)";

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doesn't make sense because the activity "*deleting data to a recording medium*" cannot be performed.

Remaining dependent claims inherit the deficiencies of the preceding claim in the claim dependency chain.

9. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements and/or structural cooperative relationships of elements, such omission amounting to a gap between the elements and/or the necessary structural connections. See MPEP § 2172.01. The omitted elements and/or structural cooperative relationships are:

a. Claims 1, 19 and 20 --- in the language,
a unit management table which manages usage status of a recording region
and

b. Claims 14-18 --- in the language,
a region management table which manages usage status of the blocks
there exists one or more missing active agent(s) or active elements necessary to accomplish the "manages" activity, the "management table" alone cannot perform the managing activity, tables are not active agents they are passive, they can only store information;

c. Claims 3 and 4 --- in the language,
so that a processing of data...is performed without delay
it is unknown what scope of activity is covered by "without delay", i.e., delay from what point in time?

Remaining dependent claims inherit the deficiencies of the preceding claim in the claim dependency chain.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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11. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility.

Claim 19 is directed towards a recording medium containing management information including a unit management table and apparatus information, however, none of these pieces of information are ever used in the claim for any purpose, that is, the "information" stored in the recording medium has not been acted upon, such as, by execution of processor instructions to read the stored information and to then perform activities as a result of reading such information, consequently, the scope of the claim encompasses only a recording medium upon which certain information is recorded (absent any further activity in regard to the use of the information), therefore, the claim self-evidently contains no specific asserted utility, and so, because there is also not claimed any activity in regard to the recorded information, the claim also fails to show or evince any well established utility.

Note, because the claimed invention is not supported by a specific asserted utility for the reasons set forth above, credibility cannot be assessed.

Claim Rejections - 35 USC § 112

12. Claim 19 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Elmore whose telephone number is (571) 272-4436. The examiner can normally be reached on Mon-Fri from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 26, 2005


STEPHEN C. ELMORE
PRIMARY EXAMINER